

REMARKS

Claims 1-26 are pending. Claims 1, 20 and 21 are amended herein. Support for the amendment is found at page 6, line 16 to page 7, line 18; page 13, line 21 to page 14, line 6; Fig. 1; page 17, lines 23-25 (step S3); page 19, line 13 to page 20, line 2 (Step S10) and Fig. 3.

Applicants' undersigned representative thanks Examiner Pham for the courtesies extended during the telephone interview of July 10, 2007. In regard to the Interview Summary filed by the Examiner on July 10, 2007, applicants' undersigned representatives hereby clarifies that at no time during the interview was an agreement reached that the term "'the working' does not include actual physical performance of any work piece." Applicants' separate record of the substance of the interview is included in the remarks below.

Applicants' Response to the Claim Rejections under 35 U.S.C. §102(e)

Claims 1-6, 8-18, 20 and 21 stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,772,038 ("Kadono"). In response thereto, applicants have clarified that the term, "working" refers to the past performance of forming a physical work piece in independent claims 1, 20 and 21. As discussed and agreed during the interview Kadono does not teach this aspect of the current invention.

The Office Action cites to Kadono's disclosure of "machine condition database 9" as the equivalent to the working case storage unit of applicants' claims. Specifically, Kadono at column 7, lines 41-49 states:

The machining condition database 9 stores therein machining condition data indicative of machining modes (e.g., machining methods such as contour line machining, scanning line machining, linear interpolation, circular interpolation and method for air-cut avoidance) according to characteristic configurations, cutting speeds preset for the respective tool types according to stock blank materials, cutting amounts for each turn of the tools and cutting allowances.

This disclosure of Kadono is teaching a database which contains the specifications for the machine tools to be used. As discussed during the interview, interpreting the scope of applicants' claims in light of the specification, this disclosure by Kadono is not equivalent to "a working case storage unit storing working conditions, as a working case, of a working of a prior formed workpiece conducted in the past" as required by amended claims 1, 20 and 21.

As set forth in applicants' specification, and discussed during the interview, the working control device 1 determines working conditions based on a past working case so that even a less-experienced operator can do the same working as a well-experienced operator. See page 19, lines 21-25. According to the present invention, the monitoring unit 10 receives the information detected by the sensor unit 22a and monitors the working state in the working machine 2. Page 19, lines 4-7. When finished, the working case registration unit 17 registers in the cutting working case data base 15, the information (working conditions) as a working case that was detected by the monitoring unit 10 for future use by the cutting working condition auto setting unit 14. Page 19, lines 12-20. Page 30, line 21 to page 31, line 19 discloses the list of parameters which are stored in the working case database 15. These are the actual parameters used by an operator to create an actual configuration. As set forth at page 31, lines 20-22 of the

Amendment Under 37 C.F.R. §1.111
Application No. 10/766,043
Attorney Docket No.042058

specification “[t]he case searching unit 14 searches this cutting working case database 15 for a working case exhibiting a similar configuration...”

Contrary, as discussed during the interview, the machining condition database 9 of Kadono does not store actual past working information, but specifications as to the machines to be used to perform a first working. Kadono is directed to a first time process, not a device which will allow new operators to benefit from the experience of past operators as the present invention discloses and claims.

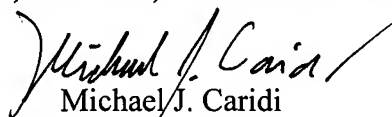
In view of the above amendments and remarks, Applicants submit that the claims, as set forth above, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Michael J. Caridi
Attorney for Applicants
Registration No. 56,171
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

MJC/af